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September 14, 2018

Via ECF Only

The Hon. Peter G. Sheridan, U.S.S.D.J.
United States District Court
District of New Jersey
Clarkson S. Fischer Building and U.S. Courthouse
402 E. State Street
Trenton, N.J.

*The parties should advise
of any objection to accepting
this letter to consider on my
deliberations by Sept 21, 2018 at
12:00 pm*
SO ORDERED: *Peter G. Sheridan*
DATED: 9/18/18

**Re: Association of New Jersey Rifle & Pistol Clubs,
et al. v. Grewal, et al., Civil Action No. 18-cv-10507**

Dear Judge Sheridan:

We represent Defendants, Gurbir S. Grewal, Attorney General of New Jersey, and Patrick J. Callahan, Superintendent of the New Jersey State Police, in connection with the above-referenced matter.

I write to bring to the Court's attention a research letter published this past Tuesday in the Journal of the American Medical Association ("JAMA") discussing a study of comparative injuries from different types of firearms in which the authors conclude that "more people were wounded and killed in incidents in which semiautomatic rifles were used compared with incidents involving other firearms."

Given that this research letter was only published yesterday, it was unavailable for the Court's consideration at the time of the preliminary injunction hearing and similarly upon oral argument of the parties' proposed findings of fact and conclusions of law. Defendants believe it bears directly on issues before the Court.

A copy of the referenced research letter is filed via ECF as **Exhibit A** to this letter.

Additionally, the Violence Policy Center published a study yesterday that is also relevant to issues before the Court casting doubt on plaintiffs' assertions about the magnitude of



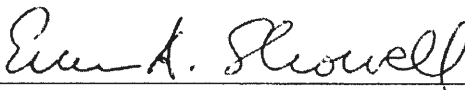
September 14, 2018

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defensive gun use in the United States. A copy of that study has also been filed via ECF as **Exhibit B** to this letter.

Respectfully submitted,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: 
Evan A. Showell
Deputy Attorney General

cc via ECF:
All counsel of record
registered to receive electronic notification

EXHIBIT A

Letters

RESEARCH LETTER

Lethality of Civilian Active Shooter Incidents With and Without Semiautomatic Rifles in the United States

Semiautomatic rifles have been used in some of the largest active shooter incidents in US history.¹ The weapons were banned in 1994 under the federal assault weapons ban but were reintroduced to the public marketplace in 2004.² Currently, there are no comprehensive assessments of injuries from different types of firearms. We compared the number of persons wounded, killed, and either wounded or killed during active shooter incidents with and without semiautomatic rifles.

Methods | An active shooter incident is defined by the Federal Bureau of Investigation (FBI) as a situation in which an individual is actively engaged in killing or attempting to kill people in a confined or populated area.³ The FBI has tracked all active shooter incidents since 2000 and has the most comprehensive data set available.³ We retrieved active shooter incident characteristics from the publicly accessible FBI database through 2017 (accessed May 18, 2018).³ For each incident, we extracted shooter age, name, year, location (city and state), number of people wounded, killed, and wounded or killed, place of shooting (commerce, education, government, open space, residences, health care, and house of worship), and type of firearms present (rifle, shotgun, handgun).

The FBI reports do not distinguish whether a rifle was semiautomatic; therefore, for each incident in which the FBI reported that a rifle was present, a media content analysis was performed to identify semiautomatic rifle presence. An a priori search hierarchy was established in which the primary data sources were court and police documents or statements (44.9%; 35 of 78), and secondary data sources were news articles. At least 3 news articles from different media outlets were required to triangulate data. No discrepancies among sources were found. All incidents with the presence of a semiautomatic rifle were classified as semiautomatic rifle incidents regardless of other firearm presence. The Las Vegas, Nevada, shooting, which represented a statistical outlier, and the San Bernardino, California, shooting, which had more than 1 shooter present, were excluded. Negative binomial regression was used to estimate the association between presence of a semiautomatic rifle and the total numbers nonfatally wounded, killed, and either wounded or killed, and the percentage of persons who died if wounded at the incident, controlling for the place and year of shooting and the presence of other firearms. Significance was set at $P < .05$ (2-sided). Stata version 15.1 was used for analysis.

Results | Of the 248 active shooter incidents, 76 involved a rifle, and we identified the type in all instances. A semiautomatic rifle

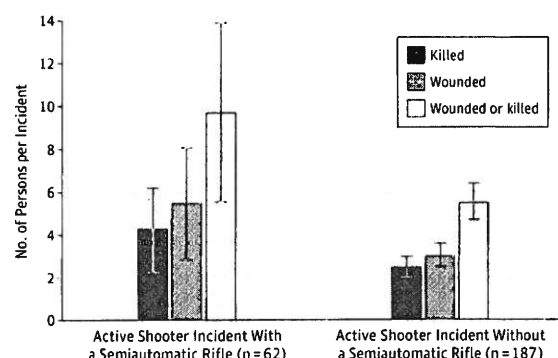
was involved in 24.6% ($n = 61$) of incidents, and 75.4% ($n = 187$) involved handguns ($n = 154$), shotguns ($n = 38$), and non-semiautomatic rifles ($n = 15$). Multiple firearm types were involved in 60.7% ($n = 37$ of 61) of semiautomatic rifle incidents and 25.1% ($n = 47$) of non-semiautomatic rifle incidents.

There were 898 persons wounded and 718 killed. Active shooter incidents with vs without the presence of a semiautomatic rifle were associated with a higher incidence of persons wounded (unadjusted mean, 5.48 vs 3.02; incidence rate ratio [IRR], 1.81 [95% CI, 1.30-2.53]), killed (mean, 4.25 vs 2.49; IRR, 1.97 [95% CI, 1.38-2.80]), and wounded or killed (mean, 9.72 vs 5.47; IRR, 1.91 [95% CI, 1.46-2.50]) (Figure). The percentage of persons who died if wounded in incidents with a semiautomatic rifle (43.7% [$n = 259$ of 593]) was similar to the percentage who died in incidents without a semiautomatic rifle (44.9% [$n = 459$ of 1023]) (IRR, 0.99 [95% CI, 0.60-1.61]).

Discussion | Although 44% of persons wounded in active shooter incidents died of their injuries, irrespective of the type of firearm used, more people were wounded and killed in incidents in which semiautomatic rifles were used compared with incidents involving other firearms. Semiautomatic rifles are designed for easy use, can accept large magazines, and fire high-velocity bullets, enabling active shooters to wound and kill more people per incident.⁴

Limitations of this study include the lack of data on specific injuries, demographics, and other details of the incidents. Incidents involving semiautomatic rifles may differ from other incidents in ways that may partially explain the association but could not be controlled (ie, intentionality of the shooter). This lack of data highlights the need for a national centralized database to inform the debate on an assault weapons ban.

Figure. Unadjusted Mean Number of Victims Injured and Killed per Active Shooter Incident With and Without Semiautomatic Rifles



The error bars indicate 95% CIs.

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Author Contributions: Dr Haider had full access to all of the data in the study and takes responsibility for the integrity of the data and the accuracy of the data analysis.

Concept and design: De Jager, Goralnick, McCarty, Hashmi, Haider.

Acquisition, analysis, or interpretation of data: All authors.

Drafting of the manuscript: De Jager, Goralnick, McCarty, Haider.

Critical revision of the manuscript for important intellectual content: De Jager, Goralnick, McCarty, Hashmi, Jarman, Haider.

Statistical analysis: Goralnick, McCarty, Hashmi, Jarman, Haider.

Administrative, technical, or material support: De Jager, Goralnick, McCarty, Haider.

Supervision: Goralnick, Haider.

Conflict of Interest Disclosures: All authors have completed and submitted the ICMJE Form for Disclosure of Potential Conflicts of Interest. Dr Haider reports stock holdings and being cofounder of Patient Doctor Technologies. No other disclosures were reported.

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COMMENT & RESPONSE

Antiplatelet Therapy After Coronary Artery Bypass Grafting

To the Editor Dr Zhao and colleagues concluded that among patients undergoing elective coronary artery bypass graft (CABG) surgery with saphenous vein grafting, ticagrelor plus aspirin significantly increased graft patency after 1 year vs aspirin alone.¹ However, based on current best evidence and standards of care, the aspirin dosage (100 mg/d) used in this study for the aspirin-alone group may have been suboptimal.²

The largest placebo-controlled trial to date in this field was the Veterans Administration Cooperative Study.³ The aspirin dosage in this trial was 325 mg/d. The 1-year graft occlusion rate in the aspirin-alone group was lower than that noted by Zhao and colleagues (15.8% vs 23.5%). Similarly, a previous meta-analysis of 5 randomized clinical trials suggested that

a medium dosage of aspirin (300-325 mg/d) more successfully reduced graft occlusion within the first year of CABG than low-dosage regimes (50-100 mg/d).⁴ In addition, pharmacokinetic studies have shown that an aspirin dose of 100 mg is sufficient to suppress thromboxane synthesis in healthy controls but ineffective at suppressing platelet thromboxane formation in the majority of post-CABG patients.^{2,5} This observation reflects the phenomenon of platelet resistance during the post-CABG period, which is believed to be due to the effects of cardiopulmonary bypass and surgical trauma.^{2,5} Therefore, current scientific guidelines prefer a higher aspirin dosage (>100 mg/d) early after CABG to improve graft patency.²

In the study by Zhao and colleagues, the dosage of aspirin administered in the aspirin alone group may have been suboptimal, which could have confounded their findings by favoring the ticagrelor plus aspirin group. Furthermore, any new therapy must be compared with the currently best available therapy, which was not done in this study.² Therefore, the generalizability of these findings is of potential concern.

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Conflict of Interest Disclosures: The authors have completed and submitted the ICMJE Form for Disclosure of Potential Conflicts of Interest and none were reported.

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To the Editor The Different Antiplatelet Therapy Strategy After Coronary Artery Bypass Graft Surgery (DACAB) trial provides needed insight into the utility of dual antiplatelet therapy (DAPT) with ticagrelor as the second agent in patients undergoing CABG.¹ The current American Heart Association and American College of Cardiology (AHA/ACC) guideline is based on limited evidence and restricted to resumption of DAPT in patients who present with acute coronary syndrome. Consequently, intersurgeon variability in DAPT use is high with a relatively low rate of DAPT use.²

Several trial characteristics deserve attention in evaluating the clinical applicability of the findings.

EXHIBIT B

SEPTEMBER 2018



Violence Policy Center

Firearm Justifiable Homicides and Non-Fatal Self-Defense Gun Use

An Analysis of Federal Bureau of Investigation
and National Crime Victimization Survey Data

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INTRODUCTION

Guns are rarely used to kill criminals or stop crimes.

In 2015, across the nation there were only 265 justifiable homicides¹ involving a private citizen using a firearm reported to the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program as detailed in its Supplementary Homicide Report (SHR).² That same year, there were 9,027 criminal gun homicides tallied in the SHR. *In 2015, for every justifiable homicide in the United States involving a gun, guns were used in 34 criminal homicides.*³ And this ratio, of course, does not take into account the tens of thousands of lives ended in gun suicides or unintentional shootings that year.⁴

This report analyzes, on both the national and state levels, the use of firearms in justifiable homicides. It also details, using the best data available on the national level, the total number of times guns are used for self-defense by the victims of both attempted and completed violent crimes and property crimes whether or not the use of the gun by the victim resulted in a fatality.

Key findings of this report, as detailed in its accompanying tables, include the following.

JUSTIFIABLE HOMICIDES WITH A GUN COMPARED TO CRIMINAL GUN HOMICIDES

- In 2015, there were only 265 justifiable homicides involving a gun. For the five-year period 2011 through 2015, there were only 1,160 justifiable homicides involving a gun. [For additional information see *Table One: Firearm Justifiable Homicides by State, 2011-2015.*]

- 1 The Federal Bureau of Investigation (FBI) defines "justifiable homicide" as the killing of a felon, during the commission of a felony, by a private citizen.
- 2 The Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program collects basic information on serious crimes from participating police agencies and records supplementary information about the circumstances of homicides in its unpublished Supplementary Homicide Report (SHR). The SHR contains more detailed information not available through published UCR data or elsewhere including: the age, sex, and race of victims and offenders; the types of weapons used; the relationship of victims to offenders; and, the circumstances of the homicides. Detailed information (such as weapon used, relationship between the victim and offender, etc.) in the SHR is available only for the first victim and/or offender in any justifiable homicide or homicide incident. In 2015, 98.1 percent of firearm justifiable homicide incidents (260 out of 265) had just one victim. Recognizing how the data is presented in the SHR and the fact that virtually all justifiable incidents had just one victim, throughout this report justifiable homicide incidents will be referred to as justifiable homicides.
- 3 Number of reported justifiable homicides and homicides taken from Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Program Supplementary Homicide Report (SHR) as tabulated by the Violence Policy Center. It is important to note that the coding contained in the SHR data used in this report comes from law enforcement reporting at the local level. The level of information submitted to the SHR system may vary from agency to agency. While this study utilizes the best and most recent data available, it is limited by the degree of detail in the information submitted.
- 4 In 2015 there were 22,018 firearm suicide deaths and 489 fatal unintentional shootings. Source: Federal Centers for Disease Control and Prevention WISQARS database.

- In 2015, 17 states⁵ reported no justifiable homicides (Connecticut, Delaware, Hawaii, Idaho, Iowa, Maine, Massachusetts, Mississippi, Montana, Nebraska, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, West Virginia, and Wyoming). [For additional information see *Table One: Firearm Justifiable Homicides by State, 2011-2015*.]
- In 2015 for every justifiable homicide in the United States involving a gun, guns were used in 34 criminal homicides. For the five-year period 2011 through 2015, for every justifiable homicide in the United States involving a gun, guns were used in 35 criminal homicides. [For additional information see *Table Two: Circumstances for Homicides by Firearm, 2011-2015*.]

RELATIONSHIP OF PERSON KILLED TO SHOOTER IN JUSTIFIABLE HOMICIDES BY FIREARM

- In 2015, 37.7 percent (100 of 265) of persons killed in a firearm justifiable homicide were known to the shooter,⁶ 49.4 percent (131) were strangers, and in 12.8 percent (34) the relationship was unknown. For the five-year period 2011 through 2015, 33.8 percent (392 of 1,160) of persons killed in a firearm justifiable homicide were known to the shooter, 53.7 percent (623) were strangers, and in 12.5 percent (145) the relationship was unknown. [For additional information see *Table Three: Relationship of Person Killed to Shooter in Justifiable Homicides by Firearm, 2011-2015*.]

SEX OF SHOOTER IN JUSTIFIABLE HOMICIDES BY FIREARM

- In 2015, of the 265 firearm justifiable homicides, 93.2 percent (247) were committed by men, and 6.0 percent (16) were committed by women. For the five-year period 2011 through 2015, of the 1,160 firearm justifiable homicides, 92.4 percent (1,072) were committed by men, 7.0 percent (81) were committed by women, and in seven cases (0.6 percent) the sex of the shooter was unknown. [For additional information see *Table Four: Sex of Shooter in Justifiable Homicides by Firearm, 2011-2015*.]

SEX OF SHOOTER AND PERSON KILLED IN JUSTIFIABLE HOMICIDES BY FIREARM

- In 2015, of the 265 firearm justifiable homicides, 97.7 percent (259) of the persons shot and killed were men and 2.3 percent (six) were women. For the five-year period 2011 through 2015, of the 1,160 firearm justifiable homicides, 97.8 percent (1,134) of the persons shot and killed were men and 2.2 percent (26) were women. [For additional information see *Table Five: Sex of Person Killed in Justifiable Homicides by Firearm, 2011-2015*.]

⁵ Alabama, Florida, and the District of Columbia did not submit any data to the FBI Supplementary Homicide Report (SHR) for the years 2011 through 2015. In addition, according to the FBI, limited SHR data was received from Illinois for the years 2011 through 2015. Beginning in 2016, all Illinois law enforcement agencies will be required by state law to report SHR data to the FBI. Data from these jurisdictions was not requested individually because the difference in collection techniques would create a bias in the study results.

⁶ Relationship categories in which the justifiable homicide victim was known to the shooter are acquaintance, boyfriend, brother, common-law husband, employee, ex-husband, ex-wife, father, friend, girlfriend, homosexual relationship, husband, in-law, neighbor, other family, other known, sister, son, stepfather, stepson, and wife.

- In 2015, 97.6 percent (241) of the persons killed by a male with a gun in a justifiable homicide were male and 2.4 percent (six) were female. For the five-year period 2011 through 2015, 97.6 percent (1,046) of the persons killed by a male with a gun in a justifiable homicide were male and 2.4 percent (26) were female. [For additional information see *Table Six: Sex of Shooter and Person Killed in Justifiable Homicides by Firearm, 2011-2015.*]
- In 2015, 100.0 percent (16) of the persons killed by a female with a gun in a justifiable homicide incident were male and 0.0 percent (zero) were female. For the five-year period 2011 through 2015, 100.0 percent (81) of the persons killed by a female with a gun in a justifiable homicide incident were male and 0.0 percent (zero) were female. [For additional information see *Table Six: Sex of Shooter and Person Killed in Justifiable Homicides by Firearm, 2011-2015.*]

RACE OF SHOOTER IN JUSTIFIABLE HOMICIDES BY FIREARM

- In 2015, 48.3 percent (128) of the shooters who committed justifiable homicides were white, 47.5 percent (126) were black, 1.9 percent (five) were Asian, 0.8 percent (two) were American Indian/Alaskan Native, and 1.5 percent (four) were of unknown race.⁷ For the five-year period 2011 through 2015, 48.0 percent (557) of the shooters who committed justifiable homicides were white, 48.4 percent (561) were black, 1.9 percent (22) were Asian, 0.5 percent (six) were American Indian/Alaskan Native, and 1.2 percent (14) were of unknown race. [For additional information see *Table Seven: Race of Shooter in Justifiable Homicides by Firearm, 2011-2015.*]

RACE OF PERSON KILLED IN JUSTIFIABLE HOMICIDES BY FIREARM

- In 2015, 34.7 percent (92) of persons killed with a gun in a justifiable homicide were white, 64.2 percent (170) were black, 0.4 percent (one) were Asian, 0.8 percent (two) were American Indian/Alaskan Native, and 0.0 percent (zero) were of unknown race. For the five-year period 2011 through 2015, 37.4 percent (434) of persons killed with a gun in a justifiable homicide were white, 60.9 percent (707) were black, 0.8 percent (nine) were Asian, 0.6 percent (seven) were American Indian/Alaskan Native, and 0.3 percent (three) were of unknown race. [For additional information see *Table Eight: Race of Person Killed in Justifiable Homicides by Firearm, 2011-2015.*]
- In 2015, 63.3 percent (81) of the persons killed with a gun in a justifiable homicide by a white shooter were white, 35.9 percent (46) were black, none were Asian, 0.8 percent (one) were American Indian/Alaskan Native, and none were of unknown race. For the five-year period 2011 through 2015, 69.5 percent (387) of the persons killed by white shooters were white, 28.7 percent (160) were black, 0.2 percent (one) were Asian, 1.1 percent (six) were American Indian/Alaskan Native, and 0.5 percent (three) were of unknown race. [For additional information see *Table Nine: Race of Shooter and Person Killed in Justifiable Homicides by Firearm, 2011-2015.*]
- In 2015, 7.9 percent (10) of the persons killed with a gun in a justifiable homicide by a black shooter were white, 92.1 percent (116) were black, none were Asian, none were American Indian/Alaskan Native, and none were of unknown race. For the five-year period 2011 through 2015, 6.2 percent (35) of the persons killed

⁷ Detailed information (such as race of offender and victim) in the FBI's Supplementary Homicide Report is only available for the first victim and/or offender in the incident. Hispanic ethnicity could not be determined because of the inadequacy of data collection and reporting.

by black shooters were white, 93.6 percent (525) were black, 0.2 percent (one) were Asian, none were American Indian/Alaskan Native, and none were of unknown race. [For additional information see Table Nine: *Race of Shooter and Person Killed in Justifiable Homicides by Firearm, 2011-2015*.]

TYPES OF FIREARMS USED IN JUSTIFIABLE HOMICIDES

- In 2015, firearms were used in 80.8 percent of justifiable homicides (265 of 328). Of these: 80.8 percent (214) were handguns; 4.9 percent (13) were shotguns; 2.3 percent (six) were rifles; 11.7 percent (31) were firearm, type not stated; and, 0.4 percent (1) were other gun. For the five-year period 2011 through 2015, firearms were used in 80.6 percent of justifiable homicide incidents (1,160 of 1,439). Of these: 77.6 percent (900) were handguns; 5.0 percent (58) were shotguns; 4.6 percent (53) were rifles; 12.5 percent (145) were firearm, type not stated; and, 0.3 percent (four) were other gun. [For additional information see Table Ten: *Weapon Used in Justifiable Homicides, 2011-2015* and Table Eleven: *Type of Firearms Used in Justifiable Homicides, 2011-2015*.]

HOW OFTEN ARE GUNS USED IN SELF-DEFENSE WHETHER OR NOT A CRIMINAL IS KILLED?

While it is clear that guns are rarely used to justifiably kill criminals, an obvious question remains: How often are guns used in self-defense whether or not a criminal is killed? Pro-gun advocates – from individual gun owners to organizations like the National Rifle Association – frequently claim that guns are used up to 2.5 million times each year in self-defense in the United States.⁸ According to the 2004 book *Private Guns, Public Health* by Dr. David Hemenway, Professor of Health Policy at the Harvard T. H. Chan School of Public Health and director of the Harvard Injury Control Research Center:

Much discussion about the protective benefits of guns has focused on the incidence of self-defense gun use. Proponents of such putative benefits often claim that 2.5 million Americans use guns in self-defense against criminal attackers each year. This estimate is not plausible and has been nominated as the most outrageous number mentioned in a policy discussion by an elected official.

In his book, Hemenway dissects the 2.5 million figure from a variety of angles and, by extension, the NRA's own non-lethal self-defense claims for firearms. He concludes, "It is clear that the claim of 2.5 million annual self-defense gun uses is a vast overestimate" and asks, "But what can account for it?" As he details in his book, the main culprit is the "telescoping and...false positive problem" that derives from the very limited number of respondents claiming a self-defense gun use, "a matter of misclassification that is well known to medical epidemiologists."⁹

8 See, for example: "The Armed Citizen" ("Studies indicate that firearms are used more than 2 million times a year for personal protection..."). *America's 1st Freedom*, National Rifle Association, July 2018; and, "Chris Cox's NRA Armed Citizen: True Stories of Your Right to Self Defense in Action," ("While the anti gun media doesn't want to report the truth about Americans using guns for self defense as often as 2.5 million times a year, you can read breaking stories of everyday citizens fending off violent criminals in CHRIS COX'S ARMED CITIZEN"), *Armed Citizen E-Newsletter* (March 26, 2015). The 2.5 million estimate is the result of a telephone survey conducted by Florida State University criminologist Dr. Gary Kleck, see Hemenway, David, "The Myth of Millions of Annual Self-Defense Gun Uses: A Case Study of Survey Overestimates of Rare Events," *Chance* (American Statistical Association), Volume 10, No. 3, 1997.

9 For a more detailed discussion, please see Hemenway, David, *Private Guns, Public Health*, (The University of Michigan Press, 2004), pp. 66-69 and pp. 238-243.

ESTIMATES ON SELF-DEFENSE USE OF FIREARMS FROM THE BUREAU OF JUSTICE STATISTICS NATIONAL CRIME VICTIMIZATION SURVEY

Hemenway notes, and numerous others agree, that the most accurate survey of self-defense gun use is the National Crime Victimization Survey (NCVS) conducted by the Bureau of Justice Statistics. The survey has been ongoing since 1973.¹⁰

VIOLENT CRIME

According to the NCVS, looking at the total number of self-protective behaviors undertaken by victims of both attempted and completed violent crime for the *three-year period 2014 through 2016*, in only 1.1 percent of these instances had the intended victim in resistance to a criminal “threatened or attacked with a firearm.”¹¹ As detailed in the chart on the next page, for the three-year period 2014 through 2016, the NCVS estimates that there were 16,115,500 victims of attempted or completed violent crime. During this same three-year period, only 177,300 of the self-protective behaviors involved a firearm. Of this number, it is not known what type of firearm was used or whether it was fired or not. The number may also include off-duty law enforcement officers who use their firearms in self-defense.

¹⁰ According to the website of the Bureau of Justice Statistics, the National Crime Victimization Survey (NCVS) “is the nation’s primary source of information on criminal victimization. Each year, data are obtained from a nationally representative sample of about 135,000 households, composed of nearly 225,000 persons, on the frequency, characteristics, and consequences of criminal victimization in the United States. The NCVS collects information on nonfatal personal crimes (i.e., rape or sexual assault, robbery, aggravated and simple assault, and personal larceny) and household property crimes (i.e., burglary, motor vehicle theft, and other theft) both reported and not reported to police. Survey respondents provide information about themselves (e.g., age, sex, race and Hispanic origin, marital status, education level, and income) and whether they experienced a victimization. For each victimization incident, the NCVS collects information about the offender (e.g., age, race and Hispanic origin, sex, and victim-offender relationship), characteristics of the crime (e.g., time and place of occurrence, use of weapons, nature of injury, and economic consequences), whether the crime was reported to police, reasons the crime was or was not reported, and victim experiences with the criminal justice system.” Each household is interviewed twice during the year (see <http://www.bjs.gov/index.cfm?ty=dc&tid=245>).

¹¹ For “violent crime” the NCVS measures rape or sexual assault, robbery, and aggravated and simple assault (see Bureau of Justice Statistics, “Violent Crime” (see <https://www.bjs.gov/index.cfm?ty=tp&tid=31>)).

SELF-PROTECTIVE BEHAVIORS, BY TYPE OF CRIME, 2014-2016

	Violent Crime 2014-2016		Property Crime 2014-2016	
	Total	Percent	Total	Percent
Total Number of Crimes	16,115,500	100	45,816,900	100
"Victim was present"^a	16,115,500	100	7,319,100	16.0
Self-Protective Behavior				
Took no action or kept still	6,528,900	40.5	5,866,000	12.8
Threatened or attacked with a firearm	177,300	1.1	123,800	0.3
Threatened or attacked with other weapon	234,800	1.5	17,200	-
Threatened or attacked without a weapon	3,641,300	22.6	239,800	0.5
Nonconfrontational tactics ^b	4,811,700	29.9	910,700	2.0
Other reaction	695,700	4.3	154,300	0.3
Unknown reaction	25,900	0.2	7,300*	-.*
Property crime, victim not present ^a	#	#	38,497,900	84.0

a By definition, victims are present during violent crime victimizations. Victims are not necessarily present during property crime victimizations.

b Includes yelling, cooperating, running away, arguing or reasoning, calling police, or trying to attract attention or warn others.

- Less than 0.05%

* Interpret with caution. Estimate based on 10 or fewer sample cases, or coefficient of variation is greater than 50 percent.

Not applicable

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2014-2016, Special Tabulation.

PROPERTY CRIME

According to the NCVS, looking at the total number of self-protective behaviors undertaken by victims of attempted or completed property crime for the three-year period 2014 through 2016, in only 0.3 percent of these instances had the intended victim in resistance to a criminal threatened or attacked with a

firearm.¹² As detailed in the prior table, for the *three-year period 2014 through 2016*, the NCVS estimates that there were 45,816,900 victims of attempted or completed property crime. During this same *three-year period*, only 123,800 of the self-protective behaviors involved a firearm. Of this number, it is not known what type of firearm was used, whether it was fired or not, or whether the use of a gun would even be a legal response to the property crime. And as before, the number may also include off-duty law enforcement officers. In comparison, a 2017 study estimated that there are approximately 250,000 gun theft incidents *per year*, with about 380,000 guns stolen.¹³ Further, according to the FBI, firearms were used in 189,718 aggravated assaults and 125,289 robberies in the United States in 2016 *alone*.¹⁴

COMPARING NCVS DATA TO CLAIMS THAT GUNS ARE USED IN SELF-DEFENSE 2.5 MILLION TIMES A YEAR

Using the NCVS numbers, for the *three-year period 2014 through 2016*, the total number of self-protective behaviors involving a firearm by victims of attempted or completed violent crimes or property crimes totaled only 301,100. In comparison, the gun lobby claims that during the same *three-year period* guns were used 7.5 million times in self defense (applying to the *three-year period* the gun lobby's oft-repeated claim, noted earlier, that firearms are used in self defense 2.5 million times a year).

CONCLUSION

The reality of self-defense gun use bears no resemblance to the exaggerated claims of the gun lobby and gun industry. The number of justifiable homicides that occur in our nation each year pale in comparison to criminal homicides, let alone gun suicides and fatal unintentional shootings. And contrary to the common stereotype promulgated by the gun lobby, those killed in justifiable homicide incidents don't always fit the expected profile of an attack by a stranger: in 37.7 percent of the justifiable homicides that occurred in 2015 the persons shot and killed were known to the shooter.

The devastation guns inflict on our nation each and every year is clear. In 2016, guns killed more than 38,000 Americans and injured more than 116,000, leaving an untold number of lives traumatized and communities shattered.¹⁵ Unexamined claims of the efficacy and frequency of the self-defense use of firearms are the default rationale offered by the gun lobby and gun industry for this unceasing, bloody toll. The idea that firearms are frequently used in self-defense is the primary argument that the gun lobby and firearms industry use to expand the carrying of firearms into an ever-increasing number of public spaces and even to prevent the regulation of military-style semiautomatic assault weapons and high-capacity ammunition magazines. Yet this argument is hollow and the assertions false. When analyzing the most reliable data available, what is most striking is that in a nation of more than 300 million guns, how rarely firearms are used in self-defense.¹⁶

¹² For "property crime" the NCVS measures household burglary, motor vehicle theft, as well as property theft. Since the survey information is obtained from a sample of households, it does not include property crimes affecting businesses or other commercial establishments. If such crimes are reported to law enforcement, they are included in the FBI's Uniform Crime Reporting Program. The NCVS includes property crimes affecting victims and household members which were reported and not reported to the police. (Bureau of Justice Statistics, "Property Crime," <http://bjs.gov/index.cfm?ty=p&tid=32>.)

¹³ Hemenway, D., Azrael, D., & Miller, M., "Whose guns are stolen?" *Injury Epidemiology*, December 2017, <http://doi.org/10.1186/s40621-017-0109-8>.

¹⁴ See <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s/2016/topic-pages/tables/table-14> and <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s/2016/topic-pages/tables/table-13>.

¹⁵ In 2016, 38,658 Americans died from firearms and 116,414 were injured by firearms. Source: Federal Centers for Disease Control and Prevention WISQARS database.

¹⁶ It is estimated that the total number of firearms available to civilians in the United States is 310 million: 114 million handguns, 110 million shotguns, 86 million rifles, and 86 million shotguns. Krouse, William J., *Gun Control Legislation*, Congressional Research Service, November 14, 2012, p. 8.

TABLE ONE: FIREARM JUSTIFIABLE HOMICIDES BY STATE, 2011-2015

State	Number of Justifiable Homicides						TOTAL
	2011	2012	2013	2014	2015		
Alabama	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Alaska	3	6	0	0	1	10	10
Arizona	6	7	13	9	15	50	50
Arkansas	0	3	0	1	1	5	5
California	23	27	22	26	20	118	118
Colorado	3	2	3	2	1	11	11
Connecticut	0	0	0	1	0	1	1
Delaware	0	0	0	1	0	1	1
Florida	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Georgia	5	8	6	4	16	39	39
Hawaii	0	0	0	0	0	0	0
Idaho	0	0	0	0	0	0	0
Illinois	4	1	2	1	7	15	15
Indiana	6	12	11	16	6	51	51
Iowa	0	0	0	0	0	0	0
Kansas	1	3	0	1	2	7	7
Kentucky	3	7	0	1	13	24	24
Louisiana	9	10	6	16	7	48	48
Maine	1	2	0	0	0	3	3
Maryland	2	6	5	3	7	23	23
Massachusetts	0	1	0	0	0	1	1
Michigan	31	20	12	15	7	85	85
Minnesota	0	1	2	2	3	8	8
Mississippi	0	1	1	0	0	2	2
Missouri	8	8	3	6	15	40	40
Montana	0	0	0	0	0	0	0

State	Number of Justifiable Homicides					
	2011	2012	2013	2014	2015	TOTAL
Nebraska	0	1	3	3	0	7
Nevada	2	1	1	2	6	12
New Hampshire	0	0	1	0	0	1
New Jersey	2	0	3	1	3	9
New Mexico	1	1	1	5	4	12
New York	0	0	0	0	5	5
North Carolina	3	5	1	6	4	19
North Dakota	1	0	0	0	0	1
Ohio	1	2	4	0	1	8
Oklahoma	5	11	7	6	11	40
Oregon	3	6	0	0	1	10
Pennsylvania	11	9	12	5	6	43
Rhode Island	0	0	0	0	0	0
South Carolina	6	11	6	6	14	43
South Dakota	0	1	0	0	0	1
Tennessee	21	20	16	27	18	102
Texas	29	47	49	43	61	229
Utah	0	2	0	0	1	3
Vermont	0	0	1	0	0	1
Virginia	6	7	9	4	2	28
Washington	5	4	8	4	1	22
West Virginia	0	1	0	0	0	1
Wisconsin	0	5	3	6	6	20
Wyoming	0	0	0	1	0	1
Total	201	259	211	224	265	1,160

TABLE TWO: CIRCUMSTANCES FOR HOMICIDES BY FIREARM, 2011-2015

Circumstance	Number of Homicides					
	2011	2012	2013	2014	2015	TOTAL
Criminal Homicide	8,066	8,342	7,838	7,670	9,027	40,943
Justifiable Homicide	201	259	211	224	255	1,160
Ratio of Criminal Homicide to Justifiable Homicide	40-1	32-1	37-1	34-1	34-1	35-1
Total	8,267	8,601	8,049	7,894	9,292	42,103

Relationship	Number of Justifiable Homicides											
	2011		2012		2013		2014		2015		TOTAL	
Acquaintance	36	17.9%	52	20.1%	30	14.2%	53	23.7%	51	19.2%	222	19.1%
Boyfriend	2	1.0%	1	0.4%	3	1.4%	4	1.8%	5	2.3%	16	1.4%
Brother	0	0.0%	4	1.5%	2	1.0%	2	0.9%	5	1.9%	13	1.1%
Common-Law Husband	0	0.0%	0	0.0%	1	0.5%	0	0.0%	0	0.0%	1	0.1%
Employee	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Ex-Husband	1	0.5%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.1%
Ex-Wife	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Father	1	0.5%	0	0.0%	1	0.5%	0	0.0%	1	0.4%	3	0.3%
Friend	3	1.5%	5	1.9%	0	0.0%	0	0.0%	7	2.6%	15	1.3%
Girlfriend	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Homosexual Relationship	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.4%	1	0.1%
Husband	3	1.5%	1	0.4%	4	1.9%	3	1.3%	1	0.4%	12	1.0%
In-Law	1	0.5%	2	0.8%	0	0.0%	0	0.0%	0	0.0%	3	0.3%
Neighbor	1	0.5%	5	1.9%	2	1.0%	1	0.5%	4	1.5%	13	1.1%
Other Family	5	2.5%	3	1.2%	2	1.0%	0	0.0%	3	1.1%	13	1.1%
Other Knowr	8	4.0%	13	5.0%	9	4.3%	12	5.4%	14	5.3%	56	4.8%
Sister	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.4%	1	0.1%
Son	3	1.5%	4	1.5%	1	0.5%	1	0.5%	2	0.8%	11	0.9%
Stepfather	1	0.5%	0	0.0%	0	0.0%	0	0.0%	1	0.4%	2	0.2%
Stepson	1	0.5%	1	0.4%	1	0.5%	1	0.5%	3	1.1%	7	0.6%
Stranger	110	54.7%	133	51.4%	126	59.7%	123	54.9%	131	49.4%	623	53.7%
Wife	0	0.0%	1	0.4%	1	0.5%	0	0.0%	0	0.0%	2	0.2%
Unknown Relationship	25	12.4%	34	13.1%	28	13.3%	24	10.7%	34	12.8%	145	12.5%
Total	201		259		211		224		265		1,160	

TABLE FOUR: SEX OF SHOOTER IN JUSTIFIABLE HOMICIDES BY FIREARM, 2011-2015

Sex of Shooter	Number of Justifiable Homicides					
	2011	2012	2013	2014	2015	TOTAL
Male	181	237	198	209	247	1,072
Female	17	20	13	15	16	81
Unknown	3	2	0	0	2	7
Total	201	259	211	224	265	1,160

TABLE FIVE: SEX OF PERSON KILLED IN JUSTIFIABLE HOMICIDES BY FIREARM, 2011-2015

Sex of Person Killed	Number of Justifiable Homicides					
	2011	2012	2013	2014	2015	TOTAL
Male	196	254	207	218	259	1,134
Female	5	5	4	6	6	26
Total	201	259	211	224	265	1,160

TABLE SIX: SEX OF SHOOTER AND PERSON KILLED IN JUSTIFIABLE HOMICIDES BY FIREARM, 2011-2015

Sex of Shooter	Sex of Person Killed	Number of Justifiable Homicides					
		2011	2012	2013	2014	2015	TOTAL
Male	Male	176	232	194	203	241	1,046
	Female	5	5	4	6	6	26
Female	Male	17	20	13	15	16	81
	Female	0	0	0	0	0	0
Total		198	257	211	224	263	1,153

TABLE SEVEN: RACE OF SHOOTER IN JUSTIFIABLE HOMICIDES BY FIREARM, 2011-2015

Race of Shooter	Number of Justifiable Homicides					
	2011	2012	2013	2014	2015	TOTAL
White	86	131	99	113	128	557
Black	106	117	104	108	126	561
Asian	4	6	5	2	5	22
American Indian/ Alaskan Native	2	1	1	0	2	6
Unknown	3	4	2	1	4	14
Total	201	259	211	224	265	1,160

TABLE EIGHT: RACE OF PERSON KILLED IN JUSTIFIABLE HOMICIDES BY FIREARM, 2011-2015

Race of Person Killed	Number of Justifiable Homicides					
	2011	2012	2013	2014	2015	TOTAL
White	70	98	77	97	92	434
Black	128	152	130	127	170	707
Asian	2	4	2	0	1	9
American Indian/ Alaskan Native	1	3	1	0	2	7
Unknown	0	2	1	0	0	3
Total	201	259	211	224	265	1,160

TABLE NINE: RACE OF SHOOTER AND PERSON KILLED IN JUSTIFIABLE HOMICIDES BY FIREARM, 2011-2015

Race of Shooter	Race of Person Killed	Number of Justifiable Homicides											
		2011		2012		2013		2014		2015		TOTAL	
White	White	62	72.1%	85	64.9%	71	71.7%	88	77.9%	81	63.3%	387	69.5%
	Black	23	26.7%	40	30.5%	26	26.3%	25	22.1%	46	35.9%	160	28.7%
	Asian	0	0.0%	1	0.8%	0	0.0%	0	0.0%	0	0.0%	1	0.2%
	American Indian/Alaskan Native	1	1.2%	3	2.3%	1	1.0%	0	0.0%	1	0.8%	6	1.1%
	Unknown	0	0.0%	2	1.5%	1	1.0%	0	0.0%	0	0.0%	3	0.5%
Black	White	3	2.8%	10	8.6%	5	4.8%	7	6.5%	10	7.9%	35	6.2%
	Black	102	96.2%	107	91.5%	99	95.2%	101	93.5%	116	92.1%	525	93.6%
	Asian	1	0.9%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.2%
	American Indian/Alaskan Native	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Asian	White	2	50.0%	1	16.7%	0	0.0%	1	50.0%	0	0.0%	4	18.2%
	Black	1	25.0%	2	33.3%	3	60.0%	1	50.0%	5	100.0%	12	54.5%
	Asian	1	25.0%	3	50.0%	2	40.0%	0	0.0%	0	0.0%	6	27.3%
	American Indian/Alaskan Native	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
American Indian/Alaskan Native	White	2	100.0%	1	100.0%	1	100.0%	0	0.0%	1	50.0%	5	83.3%
	Black	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	Asian	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	American Indian/Alaskan Native	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	1	16.7%
Total		198		255		209		223		261		1,146	0.0

TABLE TEN: WEAPON USED IN JUSTIFIABLE HOMICIDES, 2011-2015

Weapon	Number of Justifiable Homicides						
	2011	2012	2013	2014	2015	TOTAL	
Firearm	201	259	211	224	265	1,160	80.6%
Knife or cutting instrument	49	35	35	36	39	194	13.5%
Blunt object	4	4	7	1	5	21	1.5%
Bodily force	3	9	11	9	14	46	3.2%
Strangulation	0	0	1	0	0	1	0.1%
Asphyxiation	0	0	1	0	0	1	0.1%
Unknown	4	2	4	1	5	16	1.1%
Total	261	309	270	271	328	1,439	

TABLE ELEVEN: TYPE OF FIREARMS USED IN JUSTIFIABLE HOMICIDES, 2011-2015

Weapon	Number of Justifiable Homicides						
	2011	2012	2013	2014	2015	TOTAL	
Firearm, Type Not Stated	26	30	30	28	31	145	12.5%
Handgun	152	195	165	174	214	900	77.6%
Rifle	12	19	6	10	6	53	4.6%
Shotgun	11	15	8	11	13	58	5.0%
Other Gun	0	0	2	1	1	4	0.3%
Total	201	259	211	224	265	1,160	



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